



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET #SC2005-005**

September 9, 2005

Seth Peters & Pearl Peters
23 Old Mill Road
Lee, NH 03824

RE: Wetlands Bureau Complaint File #2005-2010, Peters, 23 Old Mill Road, Lee Tax Map 4 / Lot 6.

Dear Seth Peters & Pearl Peters:

As you are aware, on September 2, 2005 personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on the Town of Lee Tax Map 4 as Lot 6 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A, the New Hampshire Wetlands Law. A copy of the inspection report is attached.

It has been determined that dredging of approximately 35,000 sq. ft. of a man-made pond took place on the property without a permit from the DES Wetlands Bureau. Photos of the area are attached.

DES requests that you take the following action:

1. Within thirty (30) days of receipt of this letter, apply after-the-fact for a permit to retain the dredging of the man-made pond. A Fact Sheet and a Standard Dredge and Fill Application is enclosed for your use. This form and all applicable rules can also be found online at www.des.state.nh.us/wetlands/wetapps.htm
2. Within five (5) days of receipt of this letter, stabilize all exposed soil areas with seed and hay mulch.
3. Within five (5) days of receipt of this letter, install silt fence at the toe of the slope of the stockpile and any other erosion and sediment controls that may be necessary at the site.
4. Within twenty (20) days of receipt of this letter, provide DES with a report including photographs that the above referenced items are complete.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging or filling in and adjacent to wetlands or surface waters, an individual is required to obtain a permit from the Wetlands Bureau. If work is done without a permit from the Wetlands Bureau, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

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Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents, except for the Standard Dredge & Fill Application, submitted in response to this Letter of Deficiency should be addressed as follows:

David Price, Compliance Investigator
Wetlands Bureau
Department of Environmental Services
50 International Drive
Suite 200
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact David Price at (603) 559-1514 or by e-mail at dprice@des.state.nh.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dori Wiggin', is written over the word 'COPY'.

Dori Wiggin
Coastal Supervisor
DES Wetlands Bureau

DAW/dap

CERTIFIED MAIL #7002 2410 0001 6279 1192

cc: Rene Pelletier, Manager, Land Resources Management Program
DES Legal Unit
Allan Dennis, Lee Code Enforcement
Lee Conservation Commission